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10/064,439	07/14/2002	Scott C. Harris	DIY-C1	2498
23844	7590	02/10/2011	EXAMINER	
SCOTT C HARRIS			FU, HAO	
Law Office of Scott C Harris, Inc			ART UNIT	
P O BOX 1389			PAPER NUMBER	
Rancho Santa Fe, CA 92067-1389			3693	
NOTIFICATION DATE			DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FEB - 8 2011

SCOTT C HARRIS
Law Office of Scott Harris, Inc
PO Box 1389
Rancho Santa Fe, CA 92067-1389

In re Application of	:	
Scott Harris	:	
Application No. 10/064,439	:	DECISION ON PETITION
Filed: July 14, 2002	:	UNDER 37 CFR §1.181
For: WEB BASED COMMUNICATION	:	
OF INFORMATION WITH	:	
RECONFIGURABLE FORMAT	:	

This is a decision on applicant's petition under 37 CFR 1.181 filed September 27, 2010 requesting that the amendment after final of June 25, 2010 be entered.

The petition is **GRANTED** to the extent indicated below.

In the petition filed under 37 CFR 1.181 on January 15, 2008 applicant requests the amendment submitted on June 25, 2010 be entered into the file.

Applicant argues that the refusal to enter the amendment is unfair because the amendment places the case in better condition for appeal and did not raise new issues.

The record reflects that;

On March 25, 2010 a final Office action was mailed with the following rejections:

- Claims 2-16 and 65-69 under 35 U.S.C. 112, first paragraph
- Claims 18 and 22-32 under 35 U.S.C. 101
- Claims 2-16, 18, 22-32, and 65-69 under 35 U.S.C. 103(a)

On June 25, 2010 applicant filed an amendment after final.

On July 26, 2010 applicant filed a notice of appeal.

On July 26, 2010 an advisory action was issued by the examiner refusing to enter the June 25, 2010 amendment after final. In the action the examiner states, "Applicant's amendment filed on 6/25/2010 would overcome the previous rejections based on U.S.C.

112 and U.S.C. 101. However, Examiner respectfully disagrees with the arguments regarding the rejections based on U.S.C. 103."


MPEP 714.13 states, "It should be kept in mind that applicant cannot, as a matter of right, amend any finally rejected claims, add new claims after a final rejection (see 37 CFR 1.116) or reinstate previously canceled claims.

Except where an amendment merely cancels claims, adopts examiner suggestions, **removes issues for appeal**, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(b)(3) is expected in all amendments after final rejection."

Applicant's request to have the amendment after final of June 25, 2010 entered is hereby **GRANTED** because, as stated by the Examiner in Advisory Action, "Applicant's amendment filed on 06/25/2010 would overcome the previous rejections based on U.S.C. 112 and U.S.C. 101" and accordingly the amendment serves to only remove issues (i.e. the rejections under 35 U.S.C. 112 and 101) for appeal.

The petition is **GRANTED** to the extent indicated above.

Any questions regarding this decision should be directed to James Kramer at (571) 272-6783.



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jak: 02/08/2011

LM